

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL SCHWEITZER,

Defendant.

4:17-CR-3094

ORDER

This matter is before the Court on the Magistrate Judge's Findings, Recommendation, and Order ([filing 21](#)) recommending that the defendant's motion to dismiss the underlying criminal case ([filing 18](#)) be denied. The defendant has not objected to the Magistrate Judge's findings and recommendation, which expressly informed him that "failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation." [Filing 21 at 3](#).

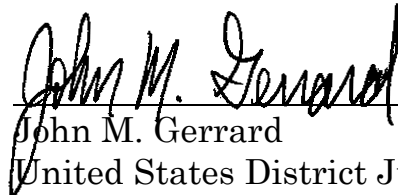
[28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objected to the magistrate's findings and recommendations. [Peretz v. United States](#), 501 U.S. 923 (1991). The failure to file an objection eliminates not only the need for de novo review, but any review by the Court. [Thomas v. Arn](#), 474 U.S. 140 (1985); [Leonard v. Dorsey & Whitney LLP](#), 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court will adopt the Magistrate Judge's findings and recommendation, and deny the defendant's motion to dismiss.

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation ([filing 21](#)) are adopted.
2. The defendant's motion to dismiss ([filing 18](#)) is denied.

Dated this 13th day of December, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge